

## **REMARKS**

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1, 2, 5-13, 16-20, 23-27 and 30-38 are pending. Claims 1, 2, 5-13, 16-20, 23-27 and 30-38 stand rejected. In this response, claims 1, 8, 11, 12, 19, 26 and 33-36 have been amended. No new claims have been added. No claims have been canceled. Thus, claims 1, 2, 5-13, 16-20, 23-27 and 30-38, as amended, remain pending. Support for the amendments can be found throughout the specifications as filed. No new matter has been added. Applicants reserve all rights with respect to the applicability of the Doctrine of Equivalents.

### ***Objection***

#### **Claim 12**

Claim 12 stands objected to because of the informality: the term “memory” should be “computer readable medium.” Claim 12 has been amended accordingly herewith.

### ***Rejections under 35 U.S.C. § 102(e)***

#### **Claims 1, 2, 5, 6, 8-13, 16, 17-20, 23, 24, 26, 27, 30-31 and 33-38**

Claims 1, 2, 5, 6, 8-13, 16, 17-20, 23, 24, 26, 27, 30-31 and 33-38 under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 6,940,826 to Simard et al. (hereinafter “Simard”). Applicants hereby reserve the right to swear behind Simard at a later date. However, applicants respectfully submit that applicants’ claims 1, 2, 5, 6, 8-13, 16, 17-20, 23, 24, 26, 27, 30-31 and 33-38, as amended, are not anticipated by the cited reference.

Specifically, for example, independent claim 1, as amended, includes the limitations of:

“receiving a first data from a first party through an input module directly into a multiplexing device or a plurality of multiplexing devices;  
receiving a second data from a second party into a first jitter buffer, processing the second data from the second party, and sending a second output data from the first jitter buffer to the multiplexing device or the plurality of multiplexing devices;”

receiving a third data from a third party into a second jitter buffer, processing the third data from the third party, and sending a third output data from the second jitter buffer to the multiplexing device or the plurality of multiplexing devices, wherein the first data received from the first party is not received into the first or the second jitter buffer; and determining whether to combine the second output data and the third output data into a first output data subsequent to the receiving the first data based on a connect message”

(emphasis added)

Applicants’ amended claim1 includes the limitations of determining whether to combine a second output data from a second jitter buffer and a third output data from a third jitter buffer into a first output data subsequent to receiving a first data directly from an input module based on a connect message. It is respectfully submitted that Simard fails to teach the noted limitations.

Rather, Simard discloses modifications to packet-based central conference bridges, packet-based network interfaces and packet-based terminals for voice communications over a packet-based network to reduce the latency and the processing requirements while increasing the signal quality (Simard, Abstract). Simard also describes such examples as selecting the talkers prior to the decompression of the voice signals, removal of the jitter buffers within the conference bridges and moving mixing operations to individual terminals (Simard, Abstract). Additionally, Simard discusses a well-known VoIP central conference bridges design comprising an inputting block, a talker selection and mixing block and an outputting block (Simard, col. 2, line 21- col. 3, line 6, Fig. 3A). However, Simard is completely silent about determining whether to combine a second output data from a second jitter buffer and a third output data from a third jitter buffer into a first output data subsequent to receiving a first data directly from an input module based on a connect message.

In order to anticipate a claim, each and every limitation of the claim must be taught by the cited reference. It is respectfully submitted that Simard fails to disclose the limitations set forth above. Therefore, it is respectfully submitted that independent claim 1, as amended, is not anticipated by Simard.

Independent claims 8, 12, 19 and 26, as amended, include limitations similar to the limitations of claim 1, as amended. For at least the similar reasons stated above, it is respectfully submitted that independent claims 8, 12, 19 and 26, as amended, are also not anticipated by Simard.

Given that claims 2, 5, 6, 9-13, 16, 17-18, 20, 23, 24, 27, 30-31 and 33-38, as amended, depend from and include all limitations of one of independent claims 1, 8, 12, 19 and 26, as amended, applicants respectfully submit that claims 2, 5, 6, 9-13, 16, 17-18, 20, 23, 24, 27, 30-31 and 33-38 are not anticipated by Simard.

***Rejections under 35 U.S.C. § 103(a)***

**Claims 7, 18, 25 and 32**

Claims 7, 18, 25 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Simard in view of US Patent No. 6,671,262 to Kung et al. (hereinafter “Kung”). Applicants hereby reserve the right to swear behind Kung at a later date. However, applicants respectfully submit that applicants’ claims 7, 18, 25 and 32, as amended, are patentable over the cited references.

Specifically, claims 7, 18, 25 and 32 depend from and include all limitations of one of independent claims 1, 12, 19 and 26, as amended, including the above noted limitations. It is respectfully submitted that neither Simard nor Kung, individually or in combination, disclose or suggest the noted limitations.

Rather, Kung describes a broadband communication system including an Internet Protocol Telephony Network and public switched telephone network including one or more conference servers for combining IP packet streams in a conference call into a combined IP packet stream (Kung, Abstract). Kung also teaches a display of a broadband residential gateway configured to display call waiting information (Kung, col. 20, lines 14-16). Additionally, Kung states a memory configured with field upgradeable card slots for permitting memory expansion to enable call waiting for multiple parties (Kung, col. 21, lines 7-10). However, nowhere does Kung disclose or suggest determining whether to combine a second output data from a second jitter buffer and a third output data from a third jitter buffer into a first output data subsequent to receiving a first data directly from an input module based on a connect message.

Further, Simard relates to media conferencing (Simard, col. 1 lines 7-8). Kung, on the other hand, is related to communication between users in diverse communication systems (Kung, col. 1, lines 7-8). There is neither suggestion nor motivation to combine Simard and

Kung.

Moreover, Simard specifically teaches removal of the jitter buffers within the conference bridges and moving mixing operations to individual terminals (Simard, Abstract). Applicants' claim 1, as amended, for example, includes the limitations of jitter buffers and combining output data (mixing operations). Thus, Simard teaches away from applicants' claims.

As such, not only do Simard and Kung not disclose, individually or even in combination, the above noted limitations, but the references, considered as a whole, do not suggest the desirability and thus the obviousness of making the combination. It would be impermissible hindsight to combine Simard and Kung based on applicants' own disclosure. Even if they are combined, such a combination still lacks the limitations of determining whether to combine a second output data from a second jitter buffer and a third output data from a third jitter buffer into a first output data subsequent to receiving a first data directly from an input module based on a connect message.

In order to render a claim obvious, each and every limitation of the claim must be taught by the cited references. Therefore, in view of the foregoing remarks, it is respectfully submitted that independent claims 1, 12, 19 and 26, as amended, are patentable over Simard and Kung.

Given that claims 7, 18, 25 and 32, depend from and include all limitations of one of independent claims 1, 12, 19 and 26, as amended, applicants respectfully submit that claims 7, 18, 25 and 32 are patentable over the cited references.

### ***Rejections under 35 U.S.C. § 112***

#### **Claims 8-11**

Claims 8-11 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter because of claim 8 recites an apparatus but the body of the claim recite logic and lack structure. Independent claim 8 has been amended to recite "logic and circuitry" coupled with each other. As such, applicants respectfully submit that independent claim 8 and dependent claims

10-11, as amended, are now definite. Withdrawal of the 35 U.S.C. § 112 second paragraph rejection for claims 8-11, as amended, is respectfully requested

***Rejections under 35 U.S.C. § 101***

**Claims 8-11**

Claims 8-11 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter as logic not stored in computer readable medium and a device executes the logic is non-statutory. Independent claim 8 has been amended to recite "logic and circuitry". Accordingly, applicants respectfully submit that independent claim 8 and dependent claims 10-11, as amended, are now directed to statutory subject matter in compliance with 35 U.S.C. §101. Withdrawal of the 35 U.S.C. § 101 rejection for claims 8-11, as amended, is respectfully requested.

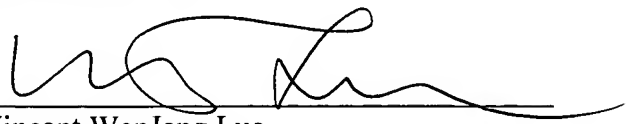
In view of the foregoing, applicants respectfully submit the applicable rejections and objections have been overcome.

Authorization is hereby given to charge our Deposit Account No. 02 2666 for any charges that may be due. Furthermore, if an extension is required, then applicants hereby request such extension.

Respectfully submitted,

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